

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

CURT D. KOSOW

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Criminal No. 06-0228
Electronically Filed

ORDER OF COURT REGARDING CANCELLATION OF TRIAL
AND PRELIMINARY HEARING ON COMPETENCY

On August 22, 2007, this Court entered an order scheduling a competency hearing (preliminary) for defendant Curt Kosow, because of concerns about defendant's current competency to stand trial and to waive counsel and represent himself, and cancelled the scheduled trial. Said Order states:

Under all of the circumstances, this Court has sufficient concerns about Mr. Kosow's competency to stand trial and to waive counsel to cancel the trial currently scheduled for September 5, 2007, schedule a preliminary competency hearing pursuant to 18 U.S.C. § 4241, addressed to the issue of obtaining a psychiatric evaluation, and to appoint counsel for Mr. Kosow for the limited purpose of representing defendant at the competency proceedings only.

AND NOW, this 22nd day of August, 2007, **IT IS HEREBY ORDERED** that the trial scheduled for September 5, 2007, is cancelled until further notice of Court. The parties should endeavor to file the respective pretrial items as ordered orally and recorded on the minute entry of August 17, 2007, or file a motion requesting that said order be suspended pending disposition of the competency hearing.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(1), any period of delay "resulting from any proceeding, including any examinations, to determine the mental competency or physical capacity of the defendant" shall be excluded in computing the time within which the trial must commence.

Accordingly, the period of delay from August 22, 2007 until completion of the proceedings to determine the mental competency of the defendant shall be excluded in computing the time within which defendant's trial must commence.

SO ORDERED this 23rd day of August, 2007.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record and as listed below

Carolyn J. Bloch, Esquire
United States Pretrial Services
Curt Kosow